

House Engrossed

State of Arizona
House of Representatives
Forty-fifth Legislature
Second Regular Session
2002

CHAPTER 45

HOUSE BILL 2442

AN ACT

AMENDING SECTION 49-474.03, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2001, CHAPTER 229, SECTION 1; REPEALING SECTION 49-474.03, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2001, CHAPTER 371, SECTION 7; BLENDING MULTIPLE ENACTMENTS; RELATING TO AIR QUALITY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 49-474.03, Arizona Revised Statutes, as amended by
3 Laws 2001, chapter 229, section 1, is amended to read:

4 49-474.03. Voluntary vehicle repair and retrofit program;
5 criteria; fund; report

6 A. A county with a population of more than four hundred thousand
7 persons according to the most recent United States decennial census shall
8 operate and administer a voluntary vehicle repair and retrofit program in the
9 county. The county shall coordinate the program with the department of
10 environmental quality and the department of transportation. A vehicle
11 owner's participation is voluntary. The county may contract with an
12 independent contractor to develop and implement all or any portion of the
13 program. The program shall provide for real and quantifiable emissions
14 reduction based on actual emissions testing performed on the vehicle before
15 repair or retrofit.

16 B. A vehicle owner may participate in the program if all of the
17 following criteria are met:

18 1. The owner is willing to participate in the program.

19 2. The vehicle being repaired or retrofitted is functionally
20 operational.

21 3. The vehicle being repaired or retrofitted is titled in this state,
22 has taken the emissions inspection test pursuant to section 49-542,
23 subsection A, has been registered during the immediately preceding twelve
24 months and has not been unregistered for more than sixty days.

25 4. The vehicle being repaired or retrofitted is at least twelve years
26 older than the current calendar year.

27 5. The vehicle is required to take the emissions inspection test and
28 the vehicle fails the emissions test in the emissions inspection results
29 portion of the test. The vehicle owner shall apply to the program not more
30 than sixty days after failing the test.

31 6. The emissions control system has not been tampered with.

32 7. The emissions control system has not been removed or disabled, in
33 whole or in part.

34 8. The vehicle is taken to a participating repair facility. Any
35 repairs performed at an unauthorized repair facility are not eligible for
36 payment.

37 9. Participation in the program is limited to one vehicle per owner.

38 10. Motor homes, motorcycles, salvage vehicles and fleet vehicles are
39 not eligible to participate in the program.

40 C. Notwithstanding subsection B or D of this section, diesel powered
41 motor vehicles with a gross vehicle rating of more than eight thousand five
42 hundred pounds, that are registered in area A or B, as defined pursuant to
43 section 49-541, and that fail any random roadside vehicle test conducted by
44 the state or that fail the emissions test conducted pursuant to section
45 49-542 are eligible for up to one thousand dollars in repair or retrofit
46 costs from the program. Qualified vehicle owners pursuant to this subsection

1 shall be responsible for one-half of the costs of the qualified repairs and
2 the other half of the costs shall be funded from the program up to one
3 thousand dollars. AN OWNER OF VEHICLES THAT ARE REGISTERED AS A FLEET SHALL
4 NOT RECEIVE MORE THAN TEN THOUSAND DOLLARS IN TOTAL MONIES. No more than
5 twenty TWENTY-FIVE per cent of the program funds in any year may be used for
6 the purposes of this subsection.

7 D. The county shall operate and administer an emissions control repair
8 and retrofit program in cooperation with the department that provides that:

9 1. Vehicle owners who qualify for the repair and retrofit program
10 shall pay the first one hundred fifty dollars as a copayment.

11 2. Vehicles that require more than seven hundred dollars in repair
12 costs are not eligible unless the vehicle owner chooses to pay additional
13 costs.

14 3. A vehicle that is able to accept a retrofit kit shall have a
15 retrofit kit installed. A vehicle that requires more than eight hundred
16 dollars in aggregated retrofit parts and labor costs is not eligible for the
17 program unless the vehicle owner pays the additional costs.

18 E. A county with a population of more than one million two hundred
19 thousand persons shall operate and administer a program to replace catalytic
20 converters on motor vehicles that fail to meet emissions standards due to
21 failure of the catalytic converter system if that failure is not the result
22 of tampering.

23 F. The voluntary vehicle repair and retrofit program fund is
24 established. The director shall administer the fund. Not more than five per
25 cent of the monies in the fund may be used for the purpose of educating the
26 general public about the program and eligibility for the program. The fund
27 consists of monies from the following sources:

28 1. Monies appropriated by the legislature.

29 2. Monies appropriated by political subdivisions.

30 3. Monies deposited pursuant to section 49-551, subsection B.

31 4. Gifts, grants and donations.

32 G. By December 1 of each year the county shall prepare and submit a
33 progress report to the department of environmental quality, the department
34 of transportation, the speaker of the house of representatives, the president
35 of the senate, the governor, the secretary of state and the director of the
36 Arizona state library, archives and public records on the voluntary vehicle
37 repair and retrofit program that contains at least the following information:

38 1. The number of vehicles repaired or retrofitted by model year.

39 2. The cost-effectiveness of the program in terms of dollars spent per
40 ton of vehicle emissions reductions.

41 3. Any recommendations for improving the effectiveness of the program.

42 4. The administrative costs of the program.

43 Sec. 2. Repeal

44 Section 49-474.03, Arizona Revised Statutes, as amended by Laws 2001,
45 chapter 371, section 7, is repealed.

Passed the House February 12, 2002,

by the following vote: 59 Ayes,

0 Nays, 1 Not Voting

[Signature]
Speaker of the House

Norman L. Moore
Chief Clerk of the House

Passed the Senate April 10, 2002

by the following vote: 29 Ayes,

0 Nays, 1 Not Voting

[Signature]
President of the Senate

Charmine Billington
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

11 day of April, 2002

at 2:50 o'clock P M.

[Signature]
Secretary to the Governor

Approved this 17 day of

April, 2002

at 4:27 o'clock P M.

[Signature]
Governor of Arizona

H.B. 2442

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 18th day of April, 2002

at 2:22 o'clock P M.

[Signature]
Secretary of State